

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

United States of America

v.

ADEDAYO JOHN,  
OLUWADAMIOLA AKINPELU,  
KAZEEM RAHEEM,  
MORAKINYO GBAYIDE,  
WARRIS ADENUGA,  
a/k/a "Blue,"  
SMART AGUNBIADE,  
LATEEF GOLOBA,  
SAMSONDEEN GOLOBA,  
OLAWALE OLANIYAN,  
OLAWOYIN PETER OLAREWAJU, and  
EMMANUEL ORONSAYE-AJAYI,

*Defendants.*

~~Proposed~~ Protective Order

21 Cr. 609 (LAP)

Upon the application of the United States of America, with the consent of the undersigned counsel, the Court hereby finds and orders as follows:

**Confidential Material.** The Government will make disclosure to the defendants of documents, objects and information, including electronically stored information ("ESI"), pursuant to Federal Rule of Criminal Procedure 16, 18 U.S.C. §3500, and the Government's general obligation to produce exculpatory and impeachment material in criminal case. Certain of that discovery may include material that (i) affects the privacy and confidentiality of individuals; (ii) would impede, if prematurely disclosed, the Government's ongoing investigation of uncharged individuals; (iii) would risk prejudicial pretrial publicity if publicly disseminated; and (iv) that is not authorized to be disclosed to the public or disclosed beyond that which is necessary for the defense of this criminal case. Discovery materials produced by the Government to the defendants

or their counsel that are either (1) designated in whole or in part as “Confidential” by the Government in emails or communications to defense counsel, or (2) that include a Bates or other label stating “Confidential,” shall be deemed “Confidential Material.”

**Sensitive Disclosure Material.** Certain of the Government’s disclosure material, referred to herein as “Sensitive Disclosure Material,” contains information that identifies, or could lead to the identification of, witnesses who may be subject to intimidation or obstruction, and whose lives, persons, and property, as well as the lives, persons and property of loved ones, will be subject to risk of harm absent the protective considerations set forth herein. The Government’s designation of material as Sensitive Disclosure Material will be controlling absent contrary order of the Court. Any material designated as Sensitive Disclosure Material shall also be deemed Confidential Material.

**NOW, THEREFORE, FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED:**

1. Confidential Material and Sensitive Disclosure Material shall not be disclosed by the defendant or defense counsel, including any successor counsel (“the defense”) other than as set forth herein, and shall be used by the defense solely for purposes of defending this action. The defense shall not post any Confidential Material or Sensitive Disclosure Material on any Internet site or network site to which persons other than the parties hereto have access, and shall not disclose any Confidential Material or Sensitive Disclosure Material to the media or any third party except as set forth below.

2. Confidential Material that is not Sensitive Disclosure Material may be disclosed by counsel to:

a. Personnel for whose conduct counsel is responsible, *i.e.*, personnel employed by or retained by counsel, as needed for purposes of defending this action;

b. Prospective witnesses and attorneys for any prospective witness for purposes of defending this action.

c. The defendants; and

d. Such other persons as hereafter may be authorized by the Court.

3. Sensitive Disclosure Material may be disclosed by counsel to:

a. Personnel for whose conduct counsel is responsible, *i.e.*, personnel employed by or retained by counsel, as needed for purposes of defending this action;

b. Prospective witnesses and attorneys for any prospective witness for purposes of defending this action;

**c. The defendants for review in the presence of defense counsel for purposes related to this case, and the defendants shall not maintain, retain, or keep copies of any records containing Sensitive Disclosure Material outside of the presence of counsel; and**

d. Such other persons as hereafter may be authorized by the Court.

4. The Government may authorize, in writing, disclosure of Confidential Material or Sensitive Disclosure Material beyond that otherwise permitted by this Order without further Order of this Court.

5. This Order does not prevent the disclosure of any Confidential Material or Sensitive Disclosure Material in any hearing or trial held in this action, or to any judge or magistrate judge, for purposes of this action. All filings should comply with the privacy protection provisions of Fed. R. Crim. P. 49.1.

6. Except for Confidential Material or Sensitive Disclosure Material that has been made part of the record of this case, the defense shall return to the Government or securely destroy or delete all Confidential Material or Sensitive Disclosure Material, including the seized ESI



Confidential Material or Sensitive Disclosure Material, within 30 days of the expiration of the period for direct appeal from any verdict in the above-captioned case; the period of direct appeal from any order dismissing any of the charges in the above-captioned case; or the granting of any motion made on behalf of the Government dismissing any charges in the above-captioned case, whichever date is later. This provision is subject to any applicable obligations to retain client files under the New York Rules of Professional Conduct.

7. The defense shall provide a copy of this Order to prospective witnesses and persons retained by counsel to whom the defense has disclosed Confidential Material or Sensitive Disclosure Material. All such persons shall be subject to the terms of this Order. Defense counsel shall maintain a record of what Confidential Material or Sensitive Disclosure Material has been disclosed to which such persons.

8. At any time, defense counsel may seek leave from the Government to allow materials designated as Sensitive Disclosure Material to be maintained, retained, or kept by the defendants ("Requested Material"). The Government will promptly review such Requested Material and (i) consent to the sharing of the Requested Material with the defendants; (ii) provide defense counsel with a redacted version of the Requested Material that may be shared with the defendants; or (iii) provide defense counsel with an explanation as to why the Requested Material cannot be shared with the defendants at that time, so as to facilitate the Court's consideration of any disputes regarding the Requested Material. The Government will make all practicable efforts to oblige defense counsel requests to share Requested Material.

9. In the event of any dispute as to the Government's designation of particular material as Confidential Information or Sensitive Disclosure Material, the parties shall meet and confer, without prejudice to a subsequent application by defense counsel seeking de-designation of such

material by the Court. If the defense moves the Court for de-designation of disputed material, the Government shall respond within seven days of the defense filing, absent further Order of this Court. The Government shall bear the burden of establishing good cause for its Confidential Information or Sensitive Disclosure Material designation of the disputed materials. Absent a contrary order of this Court, the Government's designation of material as Confidential Information or Sensitive Disclosure Material shall be controlling.

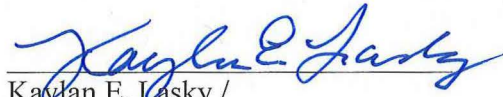
10. This Order places no restriction on a defendant's use or disclosure of ESI that originally belonged to the defendant.

#### **Retention of Jurisdiction**

11. The provisions of this order shall not terminate at the conclusion of this criminal prosecution and the Court will retain jurisdiction to enforce this Order following termination of the case.

#### **AGREED AND CONSENTED TO:**

DAMIAN WILLIAMS  
United States Attorney



Kaylan E. Lasky /  
Matthew Weinberg  
Assistant United States Attorneys

Date: 11/1/2021

\_\_\_\_\_  
Katryna Lyn Spearman, Esq.  
Counsel for Adedayo John

Date: \_\_\_\_\_

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s/ Katryna Lyn Spearman, Esq.

Katryna Lyn Spearman, Esq.

Counsel for Adedayo John

Date: October 26, 2021

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\_\_\_\_\_  
Ezra Spilke, Esq.

Counsel for Oluwadamilola Akinpelu

Date: \_\_\_\_\_

\_\_\_\_\_  
Steven Goldstein, Esq.

Counsel for Kazeem Raheem

Date: \_\_\_\_\_

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Steven Brill, Esq.

Counsel for Morakinyo Gbeyide

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Counsel for Warris Adenuga

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Raoul Zaltzberg, Esq.

Counsel for Lateef Goloba

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Elena Fast, Esq.

Counsel for Samsondeen Goloba

Date: \_\_\_\_\_

*Ezra Spilke*

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Ezra Spilke, Esq.  
Counsel for Oluwadamilola Akinpelu

Date: 10/26/2021

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Steven Goldstein, Esq.  
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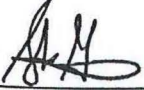
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Richard Palma, Esq.  
Counsel for Olawale Olaniyan

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Counsel for Oluwadamilola Akinpelu

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Steven Goldstein, Esq.  
Counsel for Kazeem Raheem

Date: 10/28/2021

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 For Amy Gallicchio  
Amy Gallicchio, Esq.  
Counsel for Warris Adenuga

Date: October 29, 2021

\_\_\_\_\_  
Arlo Devlin-Brown, Esq.  
Counsel for Smart Agunbiade

Date: \_\_\_\_\_

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*Raoul Zaltzberg*  
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Raoul Zaltzberg, Esq.  
Counsel for Lateef Goloba

Date: 10-27-21

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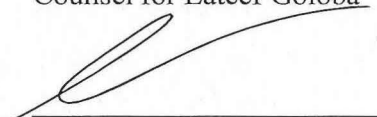
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Counsel for Olawale Olaniyan

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COUNSEL FOR RAZUCHI KALICHA

\_\_\_\_\_  
Steven Brill, Esq.  
Counsel for Morakinyo Gbeyide

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Elena Fast, Esq.  
Counsel for Samsondeen Goloba

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**Richard  
Palma**

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Richard Palma  
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Richard Palma, Esq.  
Counsel for Olawale Olaniyan

Date: October 29, 2021



\_\_\_\_\_  
David Touger, Esq.  
Counsel for Olawoyin Peter Olarewaju

Date: \_\_\_\_\_

\_\_\_\_\_  
Antonia Apps, Esq.  
Counsel for Emmanuel Oronsaye-Ajayi

Date: \_\_\_\_\_

SO ORDERED:

Dated: New York, New York  
October \_\_, 2021

\_\_\_\_\_  
THE HON. LORETTA A. PRESKA  
UNITED STATES DISTRICT JUDGE

\_\_\_\_\_  
David Touger, Esq.  
Counsel for Olawoyin Peter Olarewaju

Date: \_\_\_\_\_

  
\_\_\_\_\_  
Antonia Apps, Esq.  
Counsel for Emmanuel Oronsaye-Ajayi

Date: October 27, 2021

SO ORDERED:

Dated: New York, New York  
~~October~~ 2, 2021  
November

  
\_\_\_\_\_  
THE HON. LORETTA A. PRESKA  
UNITED STATES DISTRICT JUDGE